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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,248	02/26/2002	David D. Rowley	23415-013	1772
909	7590	05/03/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 05/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/082,248	ROWLEY ET AL.
Examiner	Art Unit	
Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 February 2002.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

4)  Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-25 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 26 February 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/02-4/05.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date.       .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other:       .

## **DETAILED ACTION**

*Claims 1-25 are pending.*

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 2/26/2002, 5/28/2002, 9/15/2003, 1/14/2004, 4/9/2004 and 4/7/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the Office. Initialed and dated copy of Applicant's IDS forms 1449, are attached to the instant Office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by *Johnston et al* [US 2002/0103882].

a. **Per claims 1 and 21** (differ only by statutory subject matter), *Johnston et al* teach a computer implemented method for enabling a student to perform an exercise remotely using a client system, comprising:

- transmitting a list of exercises from a server to the client system, whereby the client system displays the list of exercises to the student, and wherein each exercise on the list is associated with one or more virtual machines [paragraphs

0040-0045 and 0047-0050; client selects an exercise wherein the exercises are associated with virtual machines];

- receiving at the server data transmitted from the client system, wherein the data indicates that the student selected a particular exercise from the list [paragraphs 0036-0040 and 0065; server receives user's input selection of an exercise, wherein the server comprises identification for the variety of exercises accessible to the user];
- launching on a computer system that comprises a remote display server the one or more virtual machines that are associated with the particular exercise [paragraphs 0040-0050, 0055, 0065 and 0070-0074; after receiving instructions from the DLM, the DLU launches the virtual machines associated with the user's selected exercise]; and
- transmitting data to the client system, wherein the data directs the client system to establish a session with the remote display server, whereby the student is able to use the client system to remotely interact with at least one of the one or more virtual machines after the connection is established [paragraphs 0029-0035, 0039, 0048-0058 and 0070-0074; data is transmitted to the client system upon the establishment of a session connection with the virtual machines which facility a remote desktop for the user to interact with the virtual machines].

b. **Claims 7, 11 and 16** contain limitations that are substantially similar to claims 1 and 21 and are therefore rejected under the same basis.

c. **Per claim 2, Johnston et al** teach the method of claim 1, wherein the client system comprises a web browser and a remote display viewer [paragraphs 0055-0056].

d. **Per claim 3, Johnston et al** teach the method of claim 1, wherein the act of launching the one or more virtual machines comprises step of sending a message to a virtual machine launcher, wherein the message includes an identifier that identifies the particular exercise [paragraphs 0040-0050, 0060-0067 and 0071-0073].

e. **Claim 22** is substantially equivalent to claim 3 and is therefore rejected under the same basis.

f. **Per claims 4, Johnston et al** teach the method of claim 1, wherein the data transmitted to the client system further directs the client system to display to the student one or more selectable icons or links, wherein each one of the selectable icons or links is associated with a unique one of the one or more virtual machines that are associated with the particular exercise [paragraphs 0040-0042, 0063 and 0069-0071; user activates link for requesting a virtual environment associated with the DLUs and virtual machines].

g. **Claims 8, 15 and 23** are substantially equivalent to claim 4 and are therefore rejected under the same basis.

h. **Per claim 5, Johnston et al** teach the method of claim 4, further comprising receiving at the server data transmitted from the client system, wherein the data indicates that the student activated one of the selectable icons or links [paragraph 0042; user activates link for requesting a virtual environment].

i. **Claim 24** is substantially equivalent to claim 5 and is therefore rejected under the same basis.

j. **Per claim 6, Johnston et al** teach the method of claim 5, further comprising: determining the virtual machine associated with the activated icon or link, wherein the virtual machine has an operating system that generates a user interface; and transmitting to the client system the user interface, wherein the client system displays the user interface to the student, thereby enabling the student to interact with the operating system [paragraphs 0040-0046, 0048-0051 and 0055-0056].

- k. **Claim 25** is substantially equivalent to claim 6 and is therefore rejected under the same basis.
- l. **Claim 9** is substantially equivalent to claims 4-6 and is therefore rejected under the same basis.
- m. **Per claim 10**, *Johnston et al* teach method of claim 7, further comprising the step of receiving data transmitted from the server after transmitting the exercise identifier to the server, wherein the viewer establishes the connection with the remote display server in response to the reception of the data [paragraphs 0040-0050 and 0054-0064].
- n. **Per claim 12**, *Johnston et al* teach the system of claim 11, wherein the first computer system further comprises a back-end server, wherein each one of the virtual machine launchers registers with the back-end server [paragraphs 0034-0039, 0044-0050, 0053-0065 and Figure 6; virtual machines are registered with DLUs and DLM].
- o. **Per claim 13**, *Johnston et al* teach the system of claim 11, wherein in selecting one of the plurality of second computer systems, the front-end server determines which of the plurality of second computer systems are available and selects one of the available second computer systems [Figure 6, paragraphs 0044-0053 and 0059-0069].
- p. **Per claim 14**, *Johnston et al* teach the system of claim 11, wherein, after receiving the exercise identifier transmitted from the front-end server, the virtual machine launcher transmits to the front-end server one or more virtual machine identifiers, wherein each one of the one or more virtual machine identifiers identifies one of the virtual machines with which the particular exercise is associated [paragraphs 0040-0049].

q. **Per claim 17, Johnston et al** teach the computer system of claim 16, wherein the virtual machine launcher receives the identifier from a server running on a second computer system [paragraphs 0040-0045].

r. **Per claim 18, Johnston et al** teach the computer system of claim 17, wherein, after determining the one or more virtual machines with which the identified exercise is associated, the virtual machine launcher transmits to the server one or more virtual machine identifiers, wherein each one of the one or more virtual machine identifiers identifies one of the determined virtual machines [paragraphs 0044-0048 and 0060-0064].

s. **Per claim 19, Johnston et al** teach the computer system of claim 18, wherein, in response to receiving from the server an identifier that identifies one of the determined virtual machines, the virtual machine launcher brings into focus the window in which the identified virtual machine is running [paragraphs 0054-0056].

t. **Per claim 20, Johnston et al** teach the computer system of 17, further comprising a remote display server, wherein, after receiving a network address of a second computer system, the virtual machine launcher directs the remote display server to accept only connections that originate from that network address [paragraphs 0035-0036, 0043, 0048-0049 and 0070-0074].

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Daniels et al* (USPN 5,310,349) disclose an instructional management system.
- b. *Casey-Cholakis et al* (USPN 6,519,445) disclose a method, system and storage medium for providing training to multiple users.
- c. *Solomon* (USPN 6,269,409) discloses a method and apparatus for concurrent execution of operating systems.

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- d. *Sanda* (USPN 6,871,043) discloses variable types of sensory interaction for an on-line education system.
- e. *Harned et al* (USPN 6,594,466) disclose a method and system for computer-based training.
- f. *Pellegrino et al* (USPN 6,149,441) disclose a computer-based educational system.
- g. *Stuppy et al* (USPN 6,733,295) disclose a learning system for enabling separate teacher-student interaction over selected interactive channels.
- h. *Slider et al* (USPN 6,505,031) disclose a system and method for providing a virtual school environment.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie Shingles***  
***Examiner***  
***Art Unit 2141***

*kds*

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER